

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Philip Wong, Frederic Chaussy, Leslie  
Marie Shearn, and Chad Barbieri,  
individually, on behalf of all others  
similarly situated, and on behalf of the  
general public,

Plaintiffs,

vs.

HSBC Mortgage Corporation (USA);  
HSBC Bank USA, N.A.; and DOES 1  
through 50, inclusive,

Defendants.

**Case No.: 3:07-cv-2446 MMC**

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' CLASS CERTIFICATION  
MOTION UNDER FED.R.CIV.P. 23**

[PROPOSED] ORDER  
GRANTING PLAINTIFFS'  
RULE 23 MOTION FOR CLASS CERTIFICATION  
07-2446 MMC

WHEREAS, Plaintiffs Philip Wong, et al., filed a motion under Fed.R.Civ.P. 23, and Defendants opposed Plaintiffs' motion;

IT IS HEREBY ORDERED as follows:

1. The Court hereby GRANTS Plaintiffs' Motion, because Plaintiffs meet all of the required Rule 23 standards and because public policy reasons support certification here, as discussed in Plaintiffs' Motion. I certify classes as follows:

**California Class:** All persons who are or have been employed by Defendants as "Retail Mortgage Lending Consultants," "Senior Retail Mortgage Lending Consultants," "Retail Mortgage Consultants," and "Premier Mortgage Sales Officers" (collectively known as "loan officers"), and other non-management mortgage sales employees, who were misclassified as exempt, and therefore erroneously denied overtime, and meal and rest period compensation, as required by state wage and hour laws, and/or who suffered unlawful deductions from wages, within the State of California within the period four years prior to the filing date of this Complaint.

**New York Class:** All persons who are or have been employed by Defendants as "Retail Mortgage Lending Consultants," "Senior Retail Mortgage Lending Consultants," "Retail Mortgage Consultants," and "Premier Mortgage Sales Officers" (collectively known as "loan officers"), and other non-management mortgage sales employees, who were misclassified as exempt, and therefore erroneously denied overtime, as required by state wage and hour laws, and/or who suffered unlawful deductions from wages, within the State of New York within the period six years prior to the filing date of this Complaint.

**New Jersey Class:** All persons who are or have been employed by Defendants as "Retail Mortgage Lending Consultants," "Senior Retail Mortgage Lending Consultants," "Retail Mortgage Consultants," and "Premier Mortgage Sales Officers" (collectively known as "loan officers"), and other non-management mortgage sales employees, who were misclassified as exempt, and therefore erroneously denied overtime, as required by state wage and hour laws, and/or who suffered unlawful deductions from wages, within the State of New Jersey within the period two years prior to the filing date of this Complaint.

2. The proposed class notice, attached to Plaintiffs' Motion, is approved as fair and accurate.

3. The Court names Nichols Kaster as Class Counsel and Philip Wong, Frederic Chaussy, Leslie Shearn, and Chad Barbieri as Class Representatives.

[PROPOSED] ORDER  
GRANTING PLAINTIFFS'  
RULE 23 MOTION FOR CLASS CERTIFICATION  
07-2446 MMC

1           4. The Court orders that Court-approved notice be provided to putative class members by  
2 Plaintiffs.

3           5. The Court orders Defendants to produce to Plaintiffs the names and most recent known  
4 addresses of the class members in Excel format within 30 days, to enable Plaintiffs to carry out  
5 the notice process expeditiously and cost-effectively.  
6

7  
8 IT IS SO ORDERED.

9 Dated:

\_\_\_\_\_  
10 HONORABLE MAXINE CHESNEY  
11 UNITED STATES DISTRICT JUDGE  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28